

## **REMARKS**

Applicants acknowledge with appreciation the Examiner's indication that the application is in condition for allowance except for formal matters.

The examiner advised that there is no indication in the record that the party who signed the submission establishing the ownership interest is authorized to sign the submission (37 CFR 3.73(b)) and that there is no Consent of Assignee in this matter for the current Assignee, Hill-Rom Services, Inc. Submitted concurrently herewith is a new Consent of Assignee to Reissue Under 37 C.F.R. § 1.172(a) and Certification Under 37 C.F.R. § 3.73(b) signed by William A. Morrison, Esq., Assistant Secretary of Hill-Rom Services, Inc. The submission of this paper is believed to overcome the objections noted by the Examiner.

The examiner advised that the Reissue Declaration submitted June 6, 2006 is defective because (i) the residence and mailing address of the inventors was not provided, (ii) there was no statement that the persons signing had reviewed and understood the contents of the specification and claims, (iii) there was contradictory language in a couple of the sentences of the Reissue Declaration submitted June 6, 2006, and (iv) the error relied upon to support the reissue application did not clearly identify a single word, phrase, or expression in an original claim and how it renders the original patent wholly or partly inoperative or invalid. A new Reissue Declaration, which is believed to overcome the deficiencies noted by the Examiner, is submitted concurrently herewith. With regard to the examiner's reason (iv) for contending that the prior Reissue Declaration was defective, the undersigned calls to the Examiner's attention the following two sentences from M.P.E.P. § 1414:

A change or departure from the original specification or claims represents an "error" in the original patent under 35 U.S.C. 251.

A statement of "...failure to include a claim directed to..." and then presenting a newly added claim, would not be considered a sufficient "error" statement since applicant has not pointed out what the other claims lacked that the newly added claim has, or vice versa.

The present Reissue Declaration points out specific claim language that was included in claim 1 of the original patent, but which no longer appears in allowed reissue claim

45, for example. Thus, a comparison of claim language between an original claim and a reissue claim of the type that is indicated in the latter sentence reproduced above from M.P.E.P. § 1414 as being a sufficient error statement, is included in the Reissue Declaration filed concurrently herewith. Accordingly, the submission of the new Reissue Declaration concurrently herewith is believed to overcome all of the deficiencies of the prior Reissue Declaration noted by the Examiner.

With the submission of the accompanying papers, the present application is now believed to be in condition for allowance and such action is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 7175-74108.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, reading "Ronald S. Henderson". The signature is written in a cursive, flowing style.

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